

16324

PATENT  
Attorney Docket No. ST96025-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Jacques MALLET et al.

Application No.: 09/254,617

Filed: March 22, 1999



Group Art Unit 1632

Examiner: A. Baker

For: METHOD FOR TREATING AMYOTROPHIC LATERAL SCLEROSIS

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

REQUEST FOR EXTENSION OF TIME

Applicants respectfully request a five (5) month extension of time under 37 C.F.R. §1.136(a) for responding to the Office Action mailed on October 4, 2000. Accordingly, the time for response is extended up to and including April 4, 2001. A payment form for the appropriate fee is attached. In the event of any variance between the amount enclosed and the fees required, please charge or credit the variance to the undersigned's Deposit Account No. 50-1640. The Commissioner is hereby authorized to charge any fee required to keep this application pending to Deposit Account No. 50-1640.

**RESPONSE TO RESTRICTION REQUIREMENT**

Applicants respectfully submit the following response to the Office Action mailed October 4, 2000, the period for response having been extended up to and including April 2, 2001.

The outstanding Office Action required that applicants elect one of the following allegedly patentably distinct groups of claims for prosecution on the merits:

<u>Group</u>	<u>Claims</u>
I	26-38 and 51
II	39-50

Applicants hereby elect Group I, claims 26-38 and 51, with traverse.

This case was filed under 35 U.S.C. § 371. The unity of invention standard from the PCT rules must be applied. Here, a single general inventive concept exists, uniting all the claims. See Rule 13.1 PCT. For example, the expression system is recited throughout the claims. Applying the appropriate standard, no restriction is proper here.

For the above reasons, applicants respectfully request that the Examiner withdraw the restriction requirement and proceed with an examination of all pending claims.

#### CONCLUSION

Applicants maintain that this application is in condition for allowance. If the Examiner believes that an interview with applicants' representative, either by telephone or in person, would further prosecution of this application, we would welcome the opportunity for such an interview.

Applicants have provided for a five-month extension above. No additional extension of time fees, requests for extension of time, petitions, or additional claim fees are believed to be necessary to enter and consider this paper. If, however, any extensions of time are required or any fees are due in order to enter or consider this paper or enter or consider any paper accompanying this paper, including fees for net addition of claims, applicants hereby request any extensions or petitions necessary and the Commissioner is hereby authorized to charge our Deposit Account # 50-1640 for any fees. If there is any variance between the fee submitted and

any fee required, including the extension of time fee and fee for net addition of claims, the Commissioner is hereby authorized to charge or credit Deposit Account No. 50-1640.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

Dated: March 8, 2001

By:



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